

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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:
BRADLEY GOLDOWSKY, on behalf of himself :
and all others similarly situated, :

Plaintiffs, :

-against- :

EXETER FINANCE CORP., :

Defendant. :
:
:
-----X

1:15-cv-00632

NOTICE OF MOTION TO COMPEL ARBITRATION AND STAY THIS ACTION

PLEASE TAKE NOTICE THAT, upon the Defendant's Memorandum of Law in Support of Its Motion to Compel Arbitration and Stay this Action and the Declaration of Nova Albers, and the Exhibits annexed thereto, defendant Exeter Finance Corp. ("Defendant") will move this Court on a date and time to be set by the Court, before The Honorable Richard J. Arcara, United States District Judge, at the United States District Court for the Western District of New York, 2 Niagara Square, Buffalo, New York 14202, pursuant to the Federal Arbitration Act, 9 U.S.C. § *et seq.*, for an Order compelling Plaintiff Bradley Goldowsky to arbitrate his claims and staying all further proceedings, or, in the alternative, compelling twenty (20) individuals who have filed Consent to Become a Party Plaintiff forms to arbitrate their claims and staying the case as to their claims as well. Pursuant to Rule 7(a)(1) of the United States District Court for the Western District of New York's Local Rules of Civil Procedure, Defendant intends to serve and file reply papers.

Dated: New York, New York

August 11, 2015

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By s/ *Melissa J. Osipoff*

Melissa J. Osipoff
1745 Broadway, 22nd Floor
New York, New York 10019
(212) 492-2500

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2015, I electronically filed the foregoing Notice of Motion to Compel Arbitration and Stay this Action with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to all parties registered to receive notice via that service.

Dated: August 11, 2015

By s/Melissa J. Osipoff
Melissa J. Osipoff